

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JAMES G. KENT,

Petitioner,

v.

ORDER

Civil File No. 05-2876 (MJD/SRN)

J. S. WALTON, Associate Warden,
Duluth Federal Prison Camp, and
the Federal Bureau of Prisons,

Respondents.

James G. Kent, pro se.

Joseph Dixon, Assistant United States Attorney, Counsel for Respondents.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan R. Neslon dated February 7, 2006. Respondents filed objections to the Report and Recommendation, and Petitioner Kent filed an opposition to Respondents' objections.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.1(c). Based on that review, the

Court adopts Magistrate Judge Nelson's February 7, 2006 Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Magistrate Judge's Report and Recommendation dated February 7, 2006 [Docket No. 11], is hereby **ADOPTED**;

2. Petitioner's Petition for a Writ of Habeas Corpus [Doc. No. 1] is **GRANTED IN PART and DENIED IN PART**;

3. The Petition is **GRANTED** insofar as Respondent is directed to reconsider the date when Petitioner should be assigned to community confinement in light of the criteria set forth in 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20 and 570.21;

4. The Petition is **DENIED** in all other respects; and

5. Petitioner's Motion to Consolidate [Doc. No. 9] is **DENIED AS MOOT**.

Dated: March 16, 2006

s / Michael J. Davis
Michael J. Davis
United States District Court